

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Smt. Mandla Kalavathi, Legal representative of deceased husband Sri Mandla Venkateswara Rao, R/o 6-3-1247/280, Rajnagar, M.S. Maktha, Khairatabad, Hyderabad District against the Proceedings R.Dis.C1/D5/2511/2008, dated 27.03.2012 of the Collector, Hyderabad District - under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition allowed – Orders Issued.

SOCIAL WELFARE (CV2) DEPARTMENT

G.O.MS.NO.18

Dated:03.04.2013.
Read the following.

- Ref: - 1. Proceedings of the District Collector, Hyderabad, No. R.Dis. C1/D5/2511/2008, dated 27.03.2012.
2. Appeal Petition filed by Smt. Mandla Kalavathi, Legal representative of deceased husband Sri Mandla Venkateswara Rao, R/o 6-3-1247/280, Rajnagar, M.S. Maktha, Khairatabad, Hyderabad District before M(TW), No.393/M(TW)/2012, dt.27.04.2012.
3. Govt. Memo No. 6298/CV.2/2012, dt.04.05.2012
4. From the District Collector, Hyderabad Lr.No. C1/2511/2008 Dt: 06.06.2012.
5. Govt. Memo No. 6298/CV.2/2012, dt. 20.10.2012 & 17.1.2013
6. Written Arguments dated: 1.2.2013 filed by the Counsel for the Appellant before the Government.

ORDER:

In the reference 1st read above the District Collector, Hyderabad has issued proceedings canceling Scheduled Tribe Valmiki Certificate of Sri Mandla Venkateswara Rao, R/o 6-3-1247/280, Rajnagar, M.S. Maktha, Khairatabad, Hyderabad District obtained from the then MRO, Golkonda.

2. In the reference 2nd read above, Smt. Mandla Kalavathi W/o Sri Mandla Venkateswara Rao as a legal representative of deceased husband has filed an Appeal Petition before the Government against the orders of the District Collector, Hyderabad.

3. After examining the said Appeal Petition, Government have admitted the Appeal Petition and stay orders were issued on the proceedings of the District Collector, Hyderabad and called for the parawise remarks and connected records from the District Collector, Hyderabad in the reference 3rd read above.

4. In the reference 4th read above, the District Collector, Hyderabad has furnished the parawise remarks and connected records of Sri Mandla Venkateswara Rao.

5. The said Appeal Petition has been posted for hearing on 30.10.2012 finally on 21.1.2013 and the same has been informed to the appellant / Council to the appellant and others concerned and they were requested to attend the hearing of the case with all documentary evidences/ certificates in favour of the community claim of Sri Mandla Venkateswara Rao in the references 5th read above. The Appellants and her council were present and argued the case and explained the community status of Sri Mandla Venkateswara Rao and filed written arguments before the Appellate Authority in the reference 6th read above.

[p.t.o...]

6. Government have examined the records and Proceedings of the District Collector, Hyderabad dated. 27.3.2012, grounds and written arguments submitted by the Appellants and having considered the arguments of either side and documentary evidences submitted by the Appellants, among other things have stated that being the wife and legal heir of late M.Venkateswara Rao (ST) Valmiki who was worked as Staff Assistant in APCOB, Hyderabad, has filed the Appeal petition, against the orders of the Collector, Hyderabad, wherein he has cancelled her husband's ST Valmiki Caste Certificate. The Appellant has contended that their ancestors hail from Diguvamanda (V), Gummalakshmipuram (M) of Vizianagaram District, which is agency area and migrated to Diguvametta (V) of Nallamal Agency area and settled at Cumbam Village of Prakasam District. Her husband's father M. Chinna Subarayudu was a Government Servant and settled at Hyderabad after his retirement, Government has also assigned agricultural land in Komarole (V) of Y. Palem (M) to the Appellants grant father Meeniga Balagurvaiah who is ST and irrigation well has also been sanctioned. In the School records and Voter's list, the Appellant's father-in-laws caste was recorded as ST Valmiki and the Collector, Prakasam District also confirmed that the Appellant's husband belongs to ST Valmiki and migrated to Prakasam District. As per the Government of India instructions, the ST status of one's will not be changed even on migration from one part to another of the State. The Appellant also contended that the District Level Scrutiny Committee / Collector without taking into consideration the facts of the case and copies of documents has taken one sided decision and cancelled the ST Valmiki Certificate of her husband late Sri M. Venkateswara Rao. Further she has stated that her husband, on seeing the proceedings of the District Collector, Hyderabad dated 27.3.2012 collapsed and died on 19.4.2012 due to heart failure and that consequently, the APCOB authorities have released certain death-cum-retirement benefits to her, being legal heir. Further she has stated that she is very poor and studied upto 7th class and has no other option, she approached the APCOB authorities to provide suitable job on compassionate grounds, for her livelihood, but no orders have been issued by the APCOB authorities, perhaps due to the reason that the Collector, Hyderabad has cancelled her husband's Valmiki ST Certificate. The Appellant, while producing a copy of the 'Family Member Certificate' issued by the Tahsildar, Khairatabad Mandal, Hyderabad District, wherein her name has been mentioned and declared as House Wife and widow of M.Venkateswara Rao, prayed to set aside the impugned orders of the Collector, Hyderabad, so that she could get a small job in APCOB for her livelihood. The Appellant has submitted copies of Affidavits given by certain residents of Diguvamanda(V), Gummalakshmipuram (M) of Vizianagaram District and also the School and official record i.e., S.R. etc. of M.China Subbarayudu, F/o Late M.Venkateswara Rao, in support of ST Valmiki claim of her husband.

7. Government after careful examination of the documentary evidences / written arguments and on perusal of the record made available in the file copies of documents and other material papers filed by the appellant, it is learnt that the Appellant's fore fathers have migrated from the agency area of Vizianagaram District to Prakasam District. The School Record, Caste Certificate issued by the MRO, Cumbam of Prakasam District and SR of M.China Subbarayudu, F/o Late M.Venkateswara Rao, etc., projects that he belongs to ST Valmiki. The Affidavits given by certain residents of Diguvamanda(V) of Vizianagaram District also says that the Appellant's family belongs to ST Valmiki and migrated to elsewhere. Perhaps, the District Level Scrutiny Committee and the Collector, Hyderabad have not viewed the issue in true spirit of the documentary evidence, which gives room for benefit of doubt in favour of the Appellant's husband i.e., Sri M.Venkateswara Rao. The appellate authority has opined that, the Appellant apprehended that as the Collector, Hyderabad has cancelled her husband's ST Valmiki Caste Certificate, she may not accrue the benefits from APCOB, for which is eligible, consequent on her husband's death.

[contd...]

8. Government after careful examination of the Appeal Petition and the facts stated supra and in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), hereby allow the Appeal Petition filed by Smt. Mandla Kalavathi Legal representative of deceased husband Sri Mandla Venkateswara Rao, R/o 6-3-1247/280, Rajnagar, M.S. Maktha, Khairatabad, Hyderabad District and the Proceedings of the District Collector, Hyderabad, issued in the R.Dis.C1/D5/2511/2008, dated 27.03.2012 is hereby set aside, by upholding the ST 'Valmiki' community certificates issued by the MRO, Golkonda in favour of Smt. Mandla Kalavathi Legal representative of deceased husband Sri Mandla Venkateswara Rao, R/o 6-3-1247/280, Rajnagar, M.S. Maktha, Khairatabad, Hyderabad District.

9. The District Collector, Hyderabad shall take necessary action in the matter.

10. The records (containing File. No. C1/D5/2511/2008, dated 06.06.2012, pages NFP 23 AND CFP 473 TOTAL 496 Pages) received from District Collector, Hyderabad District, through 4th read above, are returned herewith in original to District Collector and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.A.VIDYASAGAR
PRINCIPAL SECRETARY TO GOVERNMENT(TW)

To

The District Collector, Hyderabad (we) (By RPAD)
(with original records).

The Tahasildar Khairatabad, Hyderabad District

Smt. Mandla Kalavathi, Legal representative of deceased
husband Sri Mandla Venkateswara Rao,
R/o 6-3-1247/280, Rajnagar, M.S. Maktha,
Khairatabad, Hyderabad District.

Sri M.J. Sivaramakrishan, Advocate,
Flat No.13, B-5, LIG, APHB,
Bhagyanagar Colony, Opp. CARE Hospital,
M.J. Road, Nampally, Hyderabad- 500001.

The General Manager(Admn.)
AP., State Co-operative Bank Limited,
Hyderabad.

Copy to:

The CTW, AP, Hyderabad/ the Director, TCR& TI, AP, Hyderabad.

P.S. to M (TW)

P.S. to Principal Secretary (TW)

SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER

